

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37776 of 2020**

Arising Out of PS. Case No.-476 Year-2020 Thana- TURKAULIYA District- East  
Champaran

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1. LALBABU MUKHIYA Son of Bhagwan Mukhiya Resident of Chelalaha Kothi, P.S.-Banjariya, District-East Champaran.
  2. Harihar Mukhiya Son of Bhagwan Mukhiya Resident of Chelalaha Kothi, P.S.-Banjariya, District-East Champran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ranjana Srivastava

For the Opposite Party/s : Mr. C. Jawahar, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL ORDER

2      25-03-2021                      Heard learned counsel for the petitioners and the State  
through virtual mode.

Learned counsel for the petitioners is directed to remove  
the defect(s), as pointed out by the office, within a period of  
four weeks.

At the outset, counsel for the petitioners seeks permission  
to withdraw the application with regard to petitioner No. 2 as  
during pendency of this application, the petitioner No. 2 has  
been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner  
No. 2 only is dismissed as withdrawn.



The petitioner No. 1 is apprehending his arrest in a case registered under Sections 272, 273/34 of the Indian Penal Code and Section-30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 70 liters wine and four bags gur is recovered.

It has been submitted on behalf of the petitioner No. 1 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. The name of the petitioner No. 1 has transpired in this case as the recovery is said to have been made from the joint house of the petitioner No. 1. Except for this, there is no other substantive evidence to suggest the implication of the petitioner No. 1 in this case. It is alleged that 70 liters wine and four bags gur is recovered from joint house of the petitioner No. 1. Nothing incriminating has been recovered from the conscious possession of the petitioner No. 1. The petitioner No. 1 had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner No. 1 is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner No. 1, above named, in the event of



arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VII, Motihari, East Champaran in connection with Banjariya P.S. Case No. 476 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

A.K.V.//-

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